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GUIDE

TO

THE LAND LAW

OF

VICTORIA.

BY  
SIR CHARLES

THE HON. GAVAN DUFFY,

PRESIDENT OF THE BOARD OF LAND AND WORKS.

LONDON:

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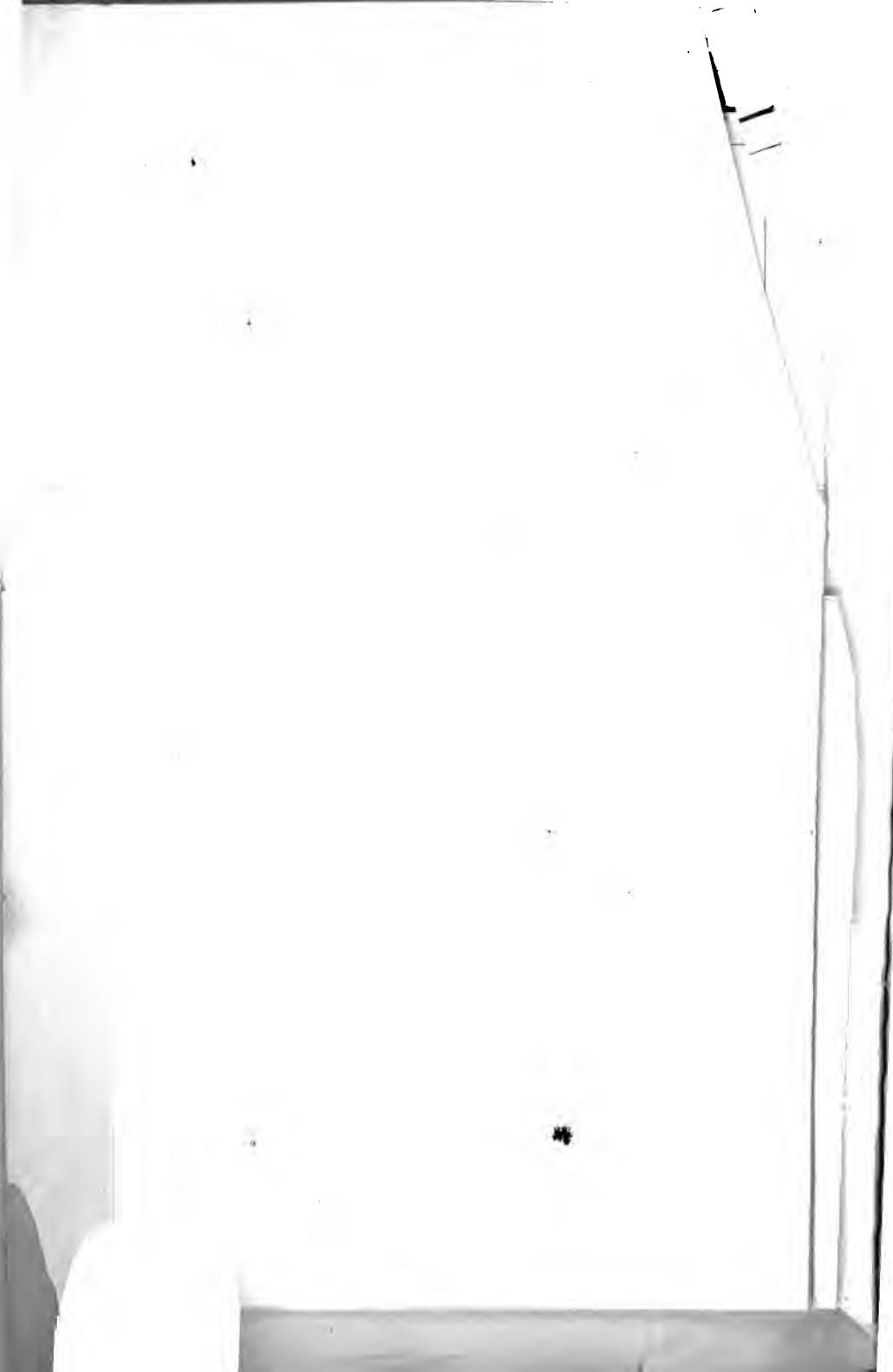
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## GUIDE TO

# THE LAND LAW OF VICTORIA.

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[While the Land Act of 1862 was still before Parliament, I received inquiries and suggestions in relation to it from time to time, which left no doubt upon my mind that the measure was imperfectly understood, even by many of those who took an active interest in its success. It is now law, and those who desire to avail themselves of it are liable, I fear, to fall into similar confusion if they are left to grope out its provisions from the technical phraseology of an Act of Parliament. This consideration, and a fixed conviction that the new law furnishes the certain means of stimulating industrial enterprise in many new directions, and of restoring to settled pursuits that security without which they languish, have induced me to undertake my present task. I propose to furnish such a plain statement of its main provisions as may afford intelligible guidance to our busy population, and to the anxious immigrants whom we are recruiting from other countries. I will describe, at the same time, the regulations and arrangements made with a view of carrying the law promptly into effect, which to be useful must be widely known. As the tract addresses itself in part to new comers, it will be necessary occasionally to state facts, and to specify reasons for alterations in the law which have been long familiar to our own population. If I anticipate the questions which a prudent and intelligent man, intending to settle, would be certain to ask for himself, my purpose will be accomplished.]

THE Land Act of 1862 repeals all former laws, as well as all Orders in Council and Regulations having the force of law, under which the public territory has hitherto been sold, granted, leased or licensed.

It furnishes, however, new and minute instructions and creates adequate powers for alienating and otherwise disposing of the territory for the future.

The first and main object at which the new law aims, is to give "increased facilities for the settlement" of the people. Its provisions in this respect are such, that our own population will not only obtain for the future the best agricultural land with as little difficulty as any article of common use can be bought in open market, but such as will enable the most industrious of our countrymen in Europe if they employ them, to raise themselves to permanent comfort and independence.

Though this Colony has been named Australia Felix from its fruitfulness, the soil is not uniformly good, but on the contrary, presents startling contrasts of richness and sterility. Under the new law, all the prime arable land, instead of being sold in large estates, as has commonly happened heretofore, will be reserved in the first instance for actual settlers who undertake to cultivate or improve their farms. By careful inspection, the unsold lands entitled to be admitted into this class have been found not to exceed ten millions of acres.\* These lands have been delineated on a large map, which

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\* The quantity reserved amounts to ten millions and a half, but necessarily includes some inferior soil.

is deposited in the Parliament House, and it is forbidden to sell them hereafter except in (what has been named) Agricultural Areas. The method and conditions of sale in an Agricultural Area will be presently stated; but meantime it is to be noted that the Land Law of no other country in the world guides the intending settler to the best land by a provision of this nature, which selects it out and places it in store for his special use. And such a precaution was perhaps nowhere more necessary than in Victoria. For several years after the gold discovery the public lands were sold only in a partial and grudging spirit, which rendered a large agricultural settlement impossible: more recently, when the territory was "unlocked," a considerable portion of the lands offered for sale was of inferior quality, and this inferior portion commonly fell to the share of the industrious settler—the auction system (which then prevailed) enabling the capitalist to make certain of obtaining whatever he chose to select of the best agricultural land. Since October, 1860, a more liberal law (known as the Nicholson Land Sales Act) has been in operation, but certain defects in the structure of the Act have enabled its best provisions to be systematically evaded.

### Mode of Settlement in an Agricultural Area.

An agricultural area is a district of arable land consisting generally of from twenty to thirty thousand acres, surveyed into convenient farms. The extent of an area will consequently be nearly identical with that of the United States' surveys, called "townships." Within three months of the passing of the Act (passed 18th June, 1862), A HUNDRED AND FIFTY SUCH AREAS will be proclaimed open for selection. They are situated near the Gold-fields, the Railways, the chief towns, the sea-ports, and other centres of population, and amount in all to more than four millions of acres; or nearly as much land as has been purchased in the colony since its first settlement a quarter of a century ago. The land offered for occupation in no other country that I have any knowledge of, possesses the same advantages of easy access, and nearness to the already settled districts.

A map exhibiting the general position of these hundred and fifty areas being printed by an economical process invented by Mr. Ferres, will be sold for a penny at every Land Office, Custom House, and Post Office, in Victoria. A larger and more elaborate map, printed in colours, on which the land already sold, the land proclaimed open in the four millions, and the land reserved for future proclamation are separately shown, may be purchased at the same places.\*

The mode of settlement in an Agricultural Area is so simple that an immigrant landed for a day, it is presumed, may comprehend and adopt it as easily as the oldest resident.

When an area is proclaimed open, a plan of it will be published at a

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\* The price of the coloured map is seven shillings and sixpence; the price, in both cases, being merely the prime cost to the State.

nominal price, showing the size and position of the various farms.\* The size will vary from 40 to 640 acres, which are the limits both ways. An intending settler having gone on the ground and made his selection, may send in his application to the Land Officer (in a printed form which will be supplied to him at the Land Office) for any allotment or allotments he chooses, not exceeding 640 acres. The application must be accompanied by a declaration (the form of which will also be supplied at the Land Office) that he is over twenty-one years of age, that he is domiciled (that is, resident) in Victoria, that he selects the land for his own use and benefit, and not as agent for any other person. If the intending settler be a woman she must declare that she is not a married woman, or if a married woman, that she is judicially separated according to the laws in force in Victoria. The object of this declaration is to impede speculators who have hitherto defeated the intention of the law by taking up land in large quantities in the names of their wives, infant children, and dependents.

Every selector must appear personally before the Land Officer. The system of acting through agents (of which such improper use is said to have been made under the Nicholson Land Sales Act) being entirely abolished ; a change which will prove a most effectual barrier to land jobbing.

If there be no competitor for the same farm, the applicant will be declared the selector, and put into immediate possession. If there be one or more competitors who have applied for the same farm between the hours of nine and four o'clock *on the same day*, they will draw lots in the presence of the Land Officer, in a manner prescribed by regulations, and devised to secure perfect fair play. They will draw from a box counters of the same size, form, and material, marked with the letters of the alphabet ; the person who draws the letter nearest the beginning of the alphabet to be the successful competitor, and to be put into possession. But the large quantity of land thrown open at one time renders much competition improbable, except in rare cases.

The selector must, however, in the first instance pay to the Land Officer the purchase-money, or the purchase-money and rent, of his allotments. Under the Nicholson Land Sales Act—the most liberal to the actual settler that has hitherto existed—the upset price of land was one pound an acre ; but the selector could, at his option, pay the purchase-money for one-half his farm, and rent the other moiety at one shilling an acre for seven years, and at the end of his lease, or during its currency, purchase the rented land at one pound an acre. When there were two or more competitors for the same farm, it was set up by auction among them, and has sometimes been run up to £6 and £7 an acre : and over the whole operation of the Act country lands which were competed for reached an average of £1 19s. 4d. an acre. Under the new law the selector can either pay for his farm at £1 an acre, and receive the title forthwith ; and *in no case*, it must be remembered, *can the price be any higher than £1 an acre*. Or he may pay for one-half of it, and rent the second moiety for eight years at a half-a-crown an acre ; but the rent will be computed as annual instalments of the purchase-money, so that at the end of eight years the land will become his property, without any

payment<sup>a</sup> for the second moiety of his farm beyond the annual rent of 2s. 6d. an acre. Thus he will secure his land without delay or uncertainty; and the immigrant, before taking ship in Europe, can ascertain beyond doubt the exact price of such a farm as he desires to obtain.

It has been computed that the credit granted for half the purchase-money over eight years, practically reduces the price of the land to sixteen shillings an acre; and as one year's wages of the most unskilled labourer, at the lowest rate which has prevailed since the discovery of gold, is sufficient to pay the purchase-money, and the first year's rent of a farm of eighty acres, it will be seen that a homestead is rendered accessible to every resident in Victoria. Land is in some countries nominally cheaper; but the surplus of a year's wages, after paying for the necessities of life, will not, it is believed, purchase so much land *fit for agricultural settlement* in any other country in the world.

When one-eighth of an Agricultural Area (or less than 4,000 acres in most cases) is selected, the Governor in Council is empowered to grant double the quantity of land, as Commons for the selectors resident in the Area; when one-fourth (or about 7,000 acres) is selected, the remainder of the Area, or three times the quantity selected, will be thrown open. This commonage will be under the control of the residents, for the exclusive use of their cattle and sheep; and the commonage fees must be expended on local improvements. It has long been contended, that farming, to be prosperous, on the scale of other pursuits in a gold country, requires abundant grazing rights near at hand to the farm, and such profitable auxiliary employment, as the rearing of sheep or swine. The settlers in an agricultural area will have the advantage of feeding their stock at their own doors, on terms and conditions, to be regulated by managers elected by themselves; and this privilege wisely used means the production of meat, milk, butter, and cheese, for the farm at a nominal cost.

### Disposal of the Land Fund.

The purchase-money, and rent of the land, will of course go into the Public Treasury, but it is a distinguishing feature of the new law, that the bulk of it will return to the district in profitable expenditure. In America the Land Fund was long employed to pay the public debt and bear the cost of war. In all the British Colonies it is added to the general revenue. But in Victoria a more generous course has been adopted; after defraying the cost of survey, one-fourth of the Land Fund from all sources, will henceforth be expended on paying the passage of immigrants, to keep supplied the labour market, from which the facility of obtaining land will no doubt operate as a constant drain. The new settlers, in common with the rest of the community, can, on payment of a small sum in the colony, nominate their relatives or skilled labourers "at home," and the State will pay the bulk of the passage-money of the person nominated.\* For the first nine month of every year,

\* Subjoined are the Regulations for the year 1862. The passage of an adult costs the State about £14; of which it pays the balance over the sum required to be contributed by these Regulations. It is estimated that eight thousand persons will be brought out under the vote of the present year.

the assisted immigrants must be selected from England, Ireland, and Scotland, in proportion to the population of these countries. For the other three months, the fund is open to be distributed, under regulations voted annually by Parliament. A certain proportion, it may be presumed, will be expended in bringing from Germany, Italy, France, and the Peninsula, the relatives and nominees of the Continental population settled among us; or other persons, capable of teaching those light and genial industries of Southern Europe, for which our soil and climate are so singularly propitious.

Two-fourths more of the Land Fund will be expended on the great highways of communication, and on local roads and bridges, in order to render markets accessible to these new centres of agricultural industry. Hitherto there has been no fixed practice by which any proportion of the funds drawn from the sale of land in a district was spent on local objects. The rule now stated of investing half the proceeds in permanent improvement is one which it is proposed to render compulsory on the Executive by embodying it in a District Councils Bill, which will place its expenditure in the hands of the settlers themselves; a sure method to foster that local interest in their own affairs which is the basis of patriotism.

### Checks on Monopoly.

It has been stated that the selector in an agricultural area must make a declaration (equivalent to an affidavit)\* that the land selected is for his own use and benefit. But if any one shall be found to disregard the penalties of perjury by taking up land as agent or trustee for another, or in excess of the quantity allowed by law, there is a remedy at hand. Any other person who desires to select the allotment in question may within a month make an application for it in the usual way (already described), as if it were still unselected, accompanied by a notice to the Land Officer (in a form appended to the Act) that the law has been evaded. The sheriff of the district will then, on notice from the Land Officer, summon the parties before him, and submit the case to a jury of four, over which he shall preside, and the decision of a majority of them shall be final and conclusive. The questions the jury are empowered to try are—

- (1.) Whether the defendant did or did not select either in his own name or in the name of others more than six hundred and forty acres of land within a period of twelve calendar months,

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\* The following sums shall be payable in advance, with respect to persons nominated in Victoria, who shall be British subjects, free from any mental or bodily defect, and of good character:—

Sex.	Under 12.	12 and under 40.	40 and upwards.
Male ... ..	44	28	28
Female ... ..	23	24	25

\* To make a false statement in the declaration is a misdemeanour under the Act.

- (2.) Or whether at the time of such selection the defendant was or was not an infant or a married woman not having obtained a decree for judicial separation binding according to the laws in force in Victoria,
- (3.) Or a person not domiciled in Victoria,
- (4.) Or a trustee for such infant or married woman as aforesaid or person not so domiciled,
- (5.) Or whether he was or was not the first selector in point of time,
- (6.) Or agent for any other person.

If the finding be for the plaintiff he shall be declared the selector of the land in dispute; and the defendant shall forfeit the purchase-money he has already paid in his attempt to evade the law, unless the Governor shall in doubtful cases specially remit it. And costs, not to exceed £10, may be awarded to the person in whose favour the questions are decided.

These precautions seem sufficient for their object. The actual settlers in an area will have the earliest opportunity, and be in the best condition, to detect impostors. And the pastoral tenants, as a class, will now have an interest, not in evading, but in preventing any evasion of the law; for those whose runs lie in the ten millions of acres reserved for agricultural settlement, but outside the four millions first proclaimed, will necessarily desire to prevent any unfair absorption of the land, which must be speedily replaced out of their own squattages; and the entire class hold the advantages conceded to them by this Act on the implied condition that the compromise between contending interests, which the Act embodies, shall be fairly carried out for all.

It must be noted that the restriction of the size of farms to 640 acres applies only to land in agricultural areas (that is, to land of the first quality, of which there is a limited supply), and that even in these areas the settler may add 640 acres to his property every year; and after three years the Government are empowered, but *not* compelled, to sell the unselected land by auction, in such larger quantity as they may deem fit. They may also sell by auction from time to time the land of any selector who fails to pay his annual rent.

### Concessions to the Existing Farmers.

As the price of land is reduced by the new law below the standard which has hitherto prevailed, two important concessions have been made to existing landowners.

Under the Nicholson Land Sales Act, a hundred and thirty thousand acres of country land are held upon lease by persons, each of whom purchased only a moiety of his farm, and leased the second moiety at one shilling an acre, with a right of pre-emption (that is, a right to buy it without competition) at £1 an acre. These lessees will be permitted to surrender their existing leases and take out new ones for the term of eight years on the same condition as selectors in an Agricultural Area. Under these leases the annual rent of half-a-crown an acre will, as already stated, be credited as an instalment of the

purchase-money, till the whole is paid off by the time the lease expires. But they must apply for this privilege within twelve months of the passing of the Land Act, or before the 18th of June, 1863.

The larger class of farmers who bought their land at auction, and often at an exorbitant price, during the last twenty years, have an equivalent advantage granted to them. They will be permitted to lease an "allotment" not exceeding in extent their purchased land, in the same manner as selectors in an Agricultural Area, or as the farmers last-mentioned. But they cannot select less than forty acres—no smaller "allotment" of agricultural land being surveyed, or more than three hundred and twenty acres—that being the largest quantity capable of being leased by any class of selectors. This right is not transferable, the selector having to make the ordinary declaration that he does not act as agent or trustee for any other person. And, in order not to confer a double privilege on the same individual, no one is authorized to enjoy this advantage who selects in an agricultural area in the usual way within twelve months, or who has leased land under the Nicholson Land Sales Act. To guard against fraud, the applicant must, in the first instance, submit his title deeds for the perusal of a solicitor nominated by the Governor in Council, who, if he approve of the title, will grant a certificate that the applicant is seised at law of (or if it be mortgaged, that he possesses the equity of redemption over) the land in question. Costs in certain cases and a moderate fee in all cases on a scale fixed by the Governor in Council must be paid for this investigation of title.\* But if the applicant holds a Crown Grant, or if he takes the precaution to bring his farm under the operation of the Real Property Act, the fee will be nominal.

### Occupation Licences.

By a clause in the Nicholson Land Sales Act the Board of Land and Works was authorized to grant a licence, to occupy land for the sites of punts, toll-houses, bridges, ferries, inns, mineral springs, or "such other purposes (meaning no doubt purposes of the same character) as might appear to the Board to be of public advantage or convenience." This clause, under which a small allotment of land was ordinarily let from year to year for the object specified, was interpreted by a late Government as authorizing them to grant "residence and cultivation licences" of suburban holdings of twenty acres on the Gold-fields, and of farms varying from 40 to 160 acres, throughout the Colony. The Supreme Court has since declared the licences so issued to be illegal, and capable of conferring no right whatever. It has been thought just however to protect the interests of persons who only acted on the invitation

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\* The number of owners in fee occupying more than forty acres (the smallest quantity that can be selected) is about 7,000; of these nearly half hold farms less than, or not exceeding, one hundred acres; two-thirds of them hold farms not exceeding 320 acres; the whole quantity capable of being leased, therefore, will not be great. To the large proprietors the right of leasing 320 acres would not, except in rare instances, be worth using. Hence it seems probable that the boon will fall chiefly to a few hundred working farmers.



of the Executive Government. Power has accordingly been conferred on the Board of Land and Works to give validity to these licences in cases where "the conditions have been duly fulfilled." The conditions as regards suburban allotments, required that the rent should be paid quarterly in advance, and declared the licence forfeited if the holder did not personally occupy the land ; and, as regards farms of 160 acres, they required that the holder should be twenty-one years of age, and the rent paid quarterly in advance, and declared the licence forfeited if the rent was not paid within seven days, and forfeited also if more than one licence was obtained by the same person, or if the licensee should be non-resident upon the land for three months from the date of his licence. What the Government propose to do is to recognise, as far as the law permits them, the title of every person who occupied, with the genuine intention of settlement. In the same spirit they intend, in all cases where suburban allotments are included in land proclaimed an Agricultural Area, to permit them to be enlarged from twenty acres (their present extent, which is too limited for a farm) to forty, eighty, or a hundred and sixty acres. But there have been many fraudulent cases, where the avowed intention and distinct conditions of the licences were violated, or where public interests or private rights were openly invaded, and these licences Parliament has forbidden to be recognised. A large discretion has consequently been conferred upon the Board of Land and Works, which it will exercise with a view to promote settlement and preserve public faith.

The Occupation Licensee, who obtains the assent of the Board, will be permitted either to remain in possession of his allotment for the term, and on the conditions specified in his licence ; or, if it be country land, permitted to enjoy it in the same manner and on the same terms as if it were an allotment in an Agricultural Area, receiving credit also in the purchase-money for any rent already paid. This choice brings the value of the occupation licence system, and the new law which has superseded, it to the sharpest test. The holder of a licence may choose which he will. But as the Occupation Licensee is, and always was, a tenant at will, liable to be summarily ejected by the Government, as he cannot sub-let his land or sell it, or sell the improvements upon it, or mortgage it, or even bequeath it to his heir in case of death, and as he will pay the same rent of half-a-crown an acre, and *not* have it credited in the purchase money of the land, there will not, probably, be much difficulty in determining which of the two to choose. It was the ill fortune of this system to combine the utmost uncertainty in the tenure of the occupier with the utmost power of working wanton mischief, by selecting land not in order to settle upon it, but in order to be bought off from it. The new Law it will be seen gives the genuine settler much more ; but gives it within metes and bounds where it is not capable of being deliberately misused.

In case of the twenty-acre allotments the licensee can also continue to enjoy the conditions of his licence, paying the rent named in it (14s. 6d. an acre), or purchase the land at such price as the Board of Land and Works may determine, not exceeding the average upset price of the district in which it is situated.

Every settler in an Agricultural Area, to whichever of the classes specified he belongs, is bound within twelve months to cultivate one acre in ten of his allotment, enclose it with a substantial fence, or erect a habitable dwelling; failing which he is liable to a penalty of five shillings an acre, to be recovered by any person authorised by the Board of Land and Works. Personal residence is not rendered compulsory, because it was felt that many mercantile and professional men, to whom residence would be impossible, will desire to secure a section of the best agricultural land for a home in after years, while it is still available, and that so valuable a class ought not to be excluded.

A section (one square mile) of each Area will be reserved for public purposes, in order that Churches, Schools, Savings' Banks, Mechanics' Institutes, Courts, Post-offices, Public Gardens, Baths, Markets, and other agencies of civilization may in good time follow the settler.

Such are the main conditions of agricultural settlement under the Land Act of 1862; and with such conditions it may be assumed that rural industry will be prosecuted for the future under singularly favourable auspices. The fear sometimes expressed that this Act was not calculated to facilitate a large settlement of the people will be seen to have been chimerical. On the other hand, the more recent alarm lest persons should be induced by undue facilities to undertake a pursuit that will not repay them, is, I believe, equally ill founded. The soil of Victoria yields wheat and the principal cereals, in a proportion to the area cultivated, which is not exceeded in any part of the universe; and for bread stuffs there is a market in the manufacturing countries of Europe constantly extending and practically insatiable. These data will enable us to compute the probable development of agriculture with some confidence. Experienced farmers have no doubt that when the labour market is more regularly supplied under the new law, and machinery more systematically employed (by districts co-operating in the purchase and use of it for example), all the corn Australia can export will find a profitable market in Europe.\*

And as regards other crops, it must be remembered that we are not at the end, but almost at the beginning of experiments on the capability of the country. On the territory between Hobson's Bay and the Murray it is certain that nearly all the products of temperate or tropical regions can be grown. Yet, of the gold, wool, hides, and corn raised by our industrious population, a proportion equal to three millions and a half pounds sterling, or nearly £350 each for every landowner in the colony, is still sent annually to Europe, or to the neighbouring colonies for necessities—or luxuries which have become necessities to a civilized community—all capable of being grown on our own soil. I have examined the latest and still unpublished Custom House return

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\* An experienced merchant whom I consulted as to the probable saving that might be effected by a reduction of freight and mercantile charges, says—"my enquiries lead me to the conclusion that in doing a regular trade with England in grain, to an extent that would evoke fair competition, a return of about 5s. 6d. is the most that could be relied on; this, of course, calculating the value in England to be the same as at the date of account sales quoted in *South Australian Advertiser*. Under very favourable circumstances 5s. 8d. might be realized without any advance in English price—that, I think, is the very outside."

of articles of this nature, and I subjoin extracts which show a sum of £3,463,169 expended in the year 1861.

## IMPORTS IN 1860 AND 1861.

Description.	Value, 1860.	Value, 1861.	Difference in favour of 1860.
	£	£	£
Arrowroot ... ..	4,701	2,515	2,186
Biscuits ... ..	9,946	3,775	6,171
Bran ... ..	33,914	26,509	7,405
Butter ... ..	434,631	222,086	212,545
Cheese ... ..	96,485	79,129	17,356
Chicory ... ..	18,438	11,676	6,762
Meal ... ..	17,848	1,916	15,932
Nuts and Almonds ... ..	9,589	5,427	4,162
Oilmen's Stores ... ..	275,543	227,869	47,674
Onions ... ..	5,734	1,050	4,684
Potatoes ... ..	59,135	26,740	32,395
Preserves ... ..	28,163	23,226	4,937
Provisions ... ..	242,690	158,067	84,623
Tobacco ... ..	247,402	189,158	58,244
Cigars ... ..	62,621	48,765	13,856
Snuff ... ..	359	328	31
Total ... ..	£1,547,199	£1,028,236	£518,963

## OTHER IMPORTS DURING 1860 AND 1861.

Description.	Value, 1860.	Value, 1861.	Difference in favour of 1861	Difference in favour of 1860.
	£	£	£	£
Spirits—Brandy... ..	253,235	250,846	...	2,389
Cordials ... ..	4,063	2,741	...	1,322
Gin ... ..	101,942	123,525	21,583	...
of Wine... ..	528	1,386	858	...
Perfumed ... ..	9,118	5,564	...	3,554
Whisky ... ..	46,910	21,616	...	25,294
Other Spirits ... ..	18,066	16,810	...	1,256
Sugar, Raw ... ..	57,025	9,654	...	47,371
Refined ... ..	8,479	8,984	505	...
Undescribed ... ..	600,084	785,345	185,261	...
Wine ... ..	231,636	235,461	3,825	...
Bottled Beer ... ..	306,782	245,283	...	61,499
Draught Beer ... ..	304,770	256,015	...	48,755
Candles ... ..	292,945	364,319	71,374	...
Cider and Perry ... ..	2,707	827	...	1,880
Oil... ..	101,083	106,557	5,474	...
Total ... ..	2,339,373	2,434,933	288,880	193,320

It will be seen that many of these articles are being produced in rapidly increasing quantities in the colony ; and if it be probable that others could not be profitably grown at existing wages, on capital borrowed at the average rate of interest in Victoria, and expected to yield the average return, we are not

entitled to assume that this difficulty is more than temporary, or applies to household as well as to hired labour. When the feverish desire to grow rich of a sudden, which belongs to the first stage of development in a gold country, is replaced by the contented enjoyment of the labours and pleasures of country life, under a genial sky, on the husbandman's own freehold, among corn fields and vineyards, where he expects to live and die, the difficulty will disappear. Speaking of farmers like these, a continental statesman, long familiar with the class of peasant proprietors, and the complete sense of security which inspires their lives, has declared that "such men will obtain from the same surface ten times, a hundred times, a thousand times more than the paid labourers of a great proprietor." New immigrants at least, who have exchanged the discomfort and dependence which belong to the condition of an agricultural labourer in England, or of an Irish or Scotch tenant-farmer, for the ownership of soil purchased at less than the ordinary year's rent "at home," and capable of producing all the familiar crops, and many others which they knew only as unattainable luxuries, will take joyful possession of the independence tendered to them. And if our own population have been rendered somewhat exacting by past prosperity, men who have carried their skill and industry over half the globe and contributed to found a new State, the centre of wealth and civilization, under conditions which have scarcely a parallel in human history, will not be frightened by the temporary toil and privations incident to creating a new home in "the bush," from exchanging a life of uncertainty and dependence in great towns for manly occupation and permanent security. Under our southern sky the privations are nominal, compared to those cheerfully borne by the pioneer who plants his homestead in the prairies or back woods of America, or among the frozen swamps of Canada or Nova Scotia.

### New Industries.

Next to the settlement of the people in agricultural districts the new law aims to stimulate individual enterprise; and with this view leases of land suitable for particular industries are to be granted hereafter at a moderate or nominal rent. It is provided that when any person desires to make a vineyard, or oliveyard, or mulberry, or hop plantation, or to establish permanently any useful plant, or industrial enterprise, or process, which was not previously generally known and used in Victoria, if he make application (in a prescribed form) for any Crown lands required for such purpose, a lease of the land sought, not exceeding thirty acres, may be granted for any term not exceeding thirty years. The rent is to be such sum as may be deemed reasonable by the Governor in Council in each case; and if the conditions of the lease be complied with (the main condition being the successful establishment of the industry in question), the lessee will have the right to purchase the fee-simple any time after five years at one pound an acre. If, however, the conditions be not complied with, the lease will be voidable. These leases may be granted on any portion of the public estate; and will, in fact, be granted wherever the situation is peculiarly adapted for the intended industry. But no occupation of lands of an exceptional value, or calculated

unnecessarily to interrupt other industries, where land equally fit is to be found elsewhere, will be permitted.\* To prevent any abuse of so large a power, the notice of application specifying in each case the particular land sought, must be published in the *Government Gazette*, for four weeks before the lease is granted; the conditions must afterwards be laid before Parliament; and not more than one hundred such leases can be issued in one year. The plantation of even a much smaller number, however, than a hundred new enterprizes annually would speedily produce magical results, in the increase of employment and the diffusion of wholesome luxuries in the community, as well as in setting the hands of the aged, the maimed, and the young to work on employment suitable to their years or condition. The class of industrial enterprizes contemplated embraces not only hops and similar aromatic plants, olives, and vines, but hemp, flax, and tobacco fields, cider orchards, brandy farms, sugar and rice fields, and tea plantations; and the Act plainly invites individual knowledge and enterprize to point out other legitimate applications of the principle. Within a week of the new law coming into force several proposals under it were addressed to the Board of Land and Works, chiefly by foreigners who did not know that a special form was required by the Act. This form, however, can now be obtained at every Land Office in the colony. I have stated that a portion of the immigration vote will be expended in bringing out labourers skilled in the industries of Southern Europe; but it is confidently stated that there are already amongst us men entitled to demand nearly all the leases issuable in the present year. I have heard of Americans familiar with the culture of cotton (for which the Murray district has been pronounced to be well adapted); Ulstermen trained to grow and dress flax (for which the demand is practically as inexhaustible as that for cotton or wool); Frenchmen who have made mulberry plantations and conducted sericicole establishments in their own country; Italians skilled in expressing the oil of the olive, that "mine over ground," as it has been called; Belgians who have manufactured sugar from beet-root; and Californians who have manufactured from *sorghum saccharatum* both sugar and syrup, of which many millions of gallons are consumed annually in the United States; and Chinese reared upon tea plantations,† who, I am assured, are either prepared to plant, or would not be unwilling to co-operate with others in planting, these industries on our soil. How far these sanguine anticipations will be realized in practice remains to be seen; but at least this facility of obtaining suitable land without purchase will pro-

\* One of the earliest applications was for a lease of thirty acres of Studley Park for a mulberry farm! This lease, if granted, would confer the pre-emption of the land at £30; the actual value being about £10,000.

† "I have had an interview with Mr. Kong Meng; he is of opinion that the tea plant would grow well in this colony. There are Chinamen here well able to superintend plantations. He lately took two intelligent Chinamen to the Botanic Gardens, who, as persons qualified to give an opinion on such a point, stated that the plants were growing well, and that tea could be grown in this colony with success (good tea could not be made from Dr. Mueller's plants, because the leaves were too old). Mr. Kong Meng would, perhaps, have some difficulty in procuring skilled labour at a moment's notice, but he is certain that there are numerous skilled labourers scattered throughout the country. He is of opinion that the growing of tea would prove remunerative. The labour, he says, is not so great as is generally supposed, and little children can be taught to prepare the leaves."—*Letter quoted on the second reading of the Land Bill.*

duce an immediate effect in developing our wine trade which is destined some day to rival our export of wool in value and profit. As the State is about to establish reformatories and shelters for orphans, *there* perhaps some of the experiments, least promising in immediate profit, might be properly made in the first instance; the land and labour costing nothing. Individual enterprize will do the rest.

We have done so little yet to acclimatize Indian corn that we may, perhaps, regard as "a useful plant not generally known;" that wonderful cereal which is the prime resource of the settler in the American prairie, furnishing him in succession with a delicious vegetable, household bread, dainty pudding, and wholesome spirits; a cereal of which six hundred millions of bushels are produced annually, and which has founded cities larger and more populous than have sprung from our gold fields.

The extent of land capable of being granted for any of these purposes (thirty acres) has been complained of as too small, but without reason. Cider, hops, and flax, for example, we have most of us seen habitually grown on smaller farms; and a friend has furnished me with the following particulars in relation to some of the other enterprizes:—

*The Mulberry* (for silk) and the *Olive* (for oil).—In the southern parts of Europe the properties are very small, so small that they gave occasion for that saying of Tocqueville—"Grinding the land into the impalpable powder of democracy." Many of the landowners own only one or two acres. In the Genoese territory the land is rocky and hilly, but the south aspect is favourable to the growth of wine and oil in general, the farms are only six acres in extent. Lands in these districts bring such incredible rents as £20, or £24 per acre. For the Mulberry, twelve acres are considered a good property; of course these twelve acres would be made up of patches of suitable ground occurring over a much larger area.

*Beet-root*.—In 1828 the produce of sugar from Beet-root in Europe was 7,000 tons; in 1851 it was 180,000 tons. The produce of sugar from this plant is increasing greatly in Germany, Belgium, and France. I cannot learn accurately the size of the Beet-root farms, but in a country (France) where 150 acres are called a large estate, and where farms of from 10 to 20 acres prevail it is not likely that they are very large. France produces annually about 60,000 tons of Beet-root sugar, or fully one-half of the entire consumption.

*Imphee*.—One acre of Imphee will yield from one to two tons of sugar. Thirty acres would therefore produce sugar worth about £1,000.

*Wines*.—The costly *Clos Vougeot* is grown on a farm of only 80 acres. The *Romanée Conti* is grown on about six and-a-half acres.

The "Hermitage," the most famous vineyard in the *Côte du Rhône*, is only 350 acres altogether.

*Tea*.—The area of a Tea Farm varies greatly. A Tea Farm at Kosilla, not far from Almorah, the chief town of Kamdon, occupies an area of 34 acres. Another of the tea plantations in the Himalayas, the Guddowli plantation, in Paorie, in Eastern Gurheval, is considerably larger. There are about 5,000 plants per acre.

Where there are competitors for a lease of this class the Legislature has generously provided that the person who first introduces into Victoria, for commercial purposes, "the plant, enterprize, or process," in respect to which a lease is sought, will be entitled to a preference, provided such introduction took place within six months of his application, and is proved to the satisfaction of the Board of Land and Works.

### Existing Industries.

Additional facilities have been granted for prosecuting the industrial enterprizes which already exist amongst us. A lease of any area not exceeding six hundred and forty acres may be granted for a period of thirty years for the purpose of mining for any metal or mineral except gold, and such lease may now be framed to confer rights, either on or below (or both on and below) the surface. Leases to mine for coal, lignite, and kaolin were granted during the last year under the late law, and Parliament has recently voted a sum of £1,000, in addition to former votes, in aid of local enterprize to "prospect" coal fields known to exist in the Geelong, Portland, and South Gipps Land districts. Our coal country occupies an area of three thousand square miles,—more than four times that of the great Northumberland coal fields. The conditions of mining leases are regulated by an order in Council, which secures to the miner fair advantages, and above all that freedom from encroachment indispensable to success. The annual rent of mineral lands is fixed at two shillings an acre, and two per cent. on the value of the mineral or metal at the mouth of the mine, and power is reserved to the lessee to work more than one mineral or metal on certain reasonable conditions. Our mineral riches are various and extensive; but the gold fields by their blaze of success have obscured these minor lights. We possess, in addition to coal and lignite, tin, antimony, iron-ore, silver, and several valuable earths and clays, of excellent quality and in great abundance. When there is more than one applicant for the same land, the first discoverer of the metal or mineral (as in the case of the first introducer of the plant or process) has a right to a lease of this class; or, if there be no discoverer, the first applicant.

Leases of three acres, for a term not exceeding seven years, may also be granted for various useful purposes. The rent must not be less than £5, and is ordinarily £10; but in certain cases, such as sites for inns and stores, abattoirs and salt manufactories, it mounts to £25, and for punts and patent slips, varies with the circumstances of the case. The present scale, wherever there is any change, is a reduction upon that in force previous to the passing of the new law. The purposes are:—

For obtaining and removing stone or earth.

For sites of inns, stores, smithies, bakeries, or similar buildings in thinly populated districts.

For sites of bathing houses, bathing places, bridges, ferries, toll or punt houses.

For sites of tanneries, or factories, or saw or paper mills.

For sites of quays and landing places, or for sites for the depositing of materials.

For sites for ship and boat-building or repairing.

For the working of mineral springs.

For the manufacture of salt.

And also for obtaining guano which is found in several islands off our coast; in the case of this last lease an area may be granted of whatever extent is

considered necessary. Valuable salt lakes exist in the western district, and are being partially worked ; but there is room for great development in this enterprize, salt to the value of £60,000 being still imported annually. The necessity for licensing land for factories and mills arises chiefly from the practice of not selling frontages to the larger rivers.

It must be noted that all these leases are voidable at any time if the lessee fails to use the land for the purposes for which it is granted.

An annual licence at a reasonable fee may also be granted in cases where temporary occupation is deemed sufficient, for any of these purposes for which leases issue ; and also for any of the following purposes :—

To search for any metal or mineral except gold.

To cut, dig, and take away any live or dead timber, bark, gravel, stone, limestone, salt, guano, shell, seaweed, sand, loam, brick, or other earth.

To occupy the site of fishermen's residences and drying grounds.

To occupy the sites of fellmongering establishments, slaughterhouses, brick or lime kilns.

To cut and construat, or to deepen, widen, clean, repair, or otherwise improve any race, drain, dam, or reservoir.

To erect pumps ; or

To collect ballast.

The timber licences are chiefly for the purpose of cutting posts, rails, and firewood, and gathering bark ; the difficulty of carriage rendering our noble forest trees almost unavailable. But as some of the best soil of the colony is occupied with timber of great commercial value, the time cannot be distant when a timber trade will be founded, beginning on the Plenty and Dandenong Ranges, in Bullarook Forest, or on the shores of Cape Otway.

Such is the system of licensing our public lands for individual enterprises ; and it would be difficult to name any country which affords greater facilities and incentives to industry than this system furnishes.

### Commons for Towns, Gold Fields, and Farmers.

Before the passing of the Nicholson Land Sales' Act there was no power to grant land for the purpose of Commons, and the population of the Gold Fields had to rely exclusively upon the forbearance of the neighbouring squatters for the privilege of depasturing their milch cows and working bullocks or horses. The privilege was often frankly conceded ; sometimes peremptorily refused, according to the temper of the individual squatter. A few of the towns were permitted by the Government to use their unsold suburban lands for pasturage ; but the farmers were entirely without similar, accommodation, and were subject, in many cases, to the most vexatious and oppressive system of impounding. The Land Sales' Act made liberal provision of commonage for all these classes ; but as it was only carried after a protracted contest between the two Houses of Parliament and numerous and hasty



alterations, its provisions were often confused and contradictory, and in no instance more so than in the sections relating to Commons. No power was taken to protect them from intrusion, by impounding strange cattle. In the case of the Gold Fields Commons there was no provision for levying fees proportionate to the quantity of stock depastured; an essential check against the monopoly of them by a few individuals. Land inside their own boundaries could not be granted as commons to towns. And the scanty provisions for local management entirely broke down in practice. In relation to Farmers' Commons there was a more serious difficulty. It was provided that commonage not exceeding a certain area, at a certain distance, might be granted to such of the farmers of a district as cultivated at least one-fourth of their purchased land. By this provision, the owner of forty acres, who cultivated ten, was entitled to commonage, but the owner of 640 acres, who cultivated 150, was not entitled. The difficulties of the case might well have puzzled the best judgment what to do. What the late Government determined to do was to ignore the provisions of the Act and grant commons without requiring any substantial fulfilment of either the preliminary or posterior conditions. Large commons were accordingly granted; but they necessarily remained without any effectual management or control, and in many cases unoccupied.

The new law has corrected all these errors and deficiencies. All the existing commons are preserved, with the right to increase, diminish, alter, or abolish them according to public necessity. The right of granting new commons is preserved. It is provided that "When any Crown land remains unsold in or within five miles of any municipal district, or upon or within five miles of any gold field, or in or within five miles of any town, not contained in any municipal district, or within any agricultural area of which at least one-fourth part has been selected, the Governor in Council may proclaim such land to be a municipal common, or a gold fields' common, or a town common, or a farmers' common, respectively, as the case may be."

The persons entitled to commonage are the householders of any municipal district, all holders of miners' rights or business licences, all householders of any town, and all selectors in an Agricultural Area, or their heirs or assigns who are resident on the land selected, and the landowners resident within five miles of a Farmers' Common.

The commons, in each case, are to be governed by three managers, who shall have the power of making rules to determine the number of cattle which each person may depasture, and the fees to be paid; and of appointing and paying herdsmen; and these managers shall enjoy the authority of Crown Lands Commissioners, enabling them to impound intruding cattle. The fees, after paying necessary expenses, are to be spent on local objects for the benefit of the district; under the control of the Municipality, Mining Board, or other duly constituted local authority; the latter phrase being meant to provide for District Councils taking similar control whenever they shall be established by law. The managers, who must not receive any remuneration for their services, are to be elected by the Municipal Council or Mining Board, as the case may be, in respect to

Town and Gold Fields' Commons; and in respect to Farmers' Commons (until a District Councils' Act is in operation), they are to be appointed and removed by the Board of Land and Works, who have also the power to appoint and remove the managers of Town Commons in cases where there is no municipality. And as the boundaries of existing Town and Gold Fields' Commons often touch, producing trouble and confusion among the commoners, power is given to amalgamate them by proclamation.

The Board will use this power only to make sure that the wishes of the commoners are fairly carried out. Where a public meeting, summoned by advertisement, recommends managers with a tolerable unanimity, they will be appointed. They will be required, however, as they have control of the fees to give a guarantee of a moderate amount for the due disposal of them according to law. It is estimated that a sum of £20,000 will be available for local purposes from commonage fees generally; the receipts and disbursements of which must be duly audited and published in the *Gazette*.

With a view to the comfort and health of the gold fields there is a provision authorising the issue of dairymen's licences to those persons who supply them with milk and butter; and another provision with a kindred object, authorising the issue of licences to butchers to depasture cattle intended for slaughter on Town or Gold Fields' Commons.

On Farmers' Commons authority is now for the first time given to permit the depasturing of sheep; and the managers may set aside, if they think proper, a special portion of the commons for this purpose. Intrusion is strictly prohibited. Any person infringing the rules or regulations of a common, or unnecessarily disturbing the cattle, is liable to a penalty not exceeding £5 for the first offence, and not exceeding £20 for subsequent offences.

Some of the districts have already proceeded to elect their managers, or to move the Board of Land and Works in the matter, and the advantage of commons will be fairly tried for the first time.

### Pastoral Licences.

I now come to speak of the country occupied for pastoral purposes by the Crown tenants, ordinarily called squatters. Last year it amounted to thirty-five and-a-half millions of acres. The present law, as we have seen, selects ten and-a-half of these thirty-five and-a-half millions, as land to be reserved for agricultural settlement. And these ten and-a-half millions are so pre-eminently the best for all purposes, that they have fed more stock and paid more assessment to the public treasury than the remaining twenty-five millions.\* The present distribution of the entire colony will be best understood from the following table:—

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	Horses.	Cattle.	Sheep.
* Stock depastured on the ten millions ... ..	14,053	288,696	3,013,493
Stock depastured on the remainder of the public territory ...	9,587	138,543	2,026,127

	Total Area.	Mountain Ranges.	Mallee and other Scrubs.	Lakes, Mo-rasses.	Unavail-able up to present.	Area of Colony made available up to present time.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Land sold previously to the passing of the "Land Act, 1862" ... ..	4,728,000	...	...	...	...	4,728,000
Land leased under the Nicholson "Land Sales Act," with right of pre-emption ... ..	130,000	...	...	...	...	130,000
Commonage ... ..	1,600,000	...	...	...	...	1,600,000
Lands under Squatting Licence in 1862, and stocked, including the ten and-a-half millions of acres reserved for agricultural settle-ment ... ..	35,579,760	750,000*	1,000,000*	...	1,750,000*	33,829,760
Lands under Squatting Licence in 1862, but unstocked ... ..	7,206,400	1,130,000	4,230,000	...	5,360,000	1,846,400
Unoccupied Waste Lands... ..	6,400,000	4,345,000	430,000	402,000	5,177,000	1,223,000
TOTAL AREA OF COLONY ... ..	55,644,160	6,225,000	5,860,000	402,000	12,287,000	43,357,160

\* These quantities are made up of the unavailable parts of stocked runs.

C. W. LIGAR.

Surveyor-General.

2nd July, 1862.

Out of the ten millions of acres of agricultural land more than four millions will be proclaimed open for selection immediately, leaving thirty-one millions and-a-half in pastoral occupation for the present year ; to be gradually reduced by further surveys and proclamations (out of the balance of the ten millions) as public necessity requires them. But the pastoral land is not itself withdrawn from the control of the State for the purpose of sale and settlement or of mining, or of any of the licences for industrial enterprises already specified. These licences, on the contrary, will issue exclusively upon pastoral land ; prospecting upon it for mining purposes is more effectually secured by law than ever it was before ; and if there be any public necessity to justify the sale of any portion of it, the Government are debarred from selling it by no impediment whatever. Up to the 18th of September, 1860, land for agricultural settlement or for any other purpose, could only be sold by public auction ; and any portion of these twenty-five millions of acres can still be sold by auction precisely as all land was formerly sold. Moreover, sales of it *must be made* at least once a quarter during the currency of the new act ; and whatever land passes under the auctioneer's hammer and remains unsold, can be taken up by the first applicant. On this point, therefore, there will, I trust, be no further possibility of misapprehension.

But the Legislature having provided so amply for agricultural settlement have disposed of the public grasses (not the land) of the remainder of the territory in the manner most profitable to the State and to individual industry. They have provided that the existing "Runs" shall continue to be let for

pastoral purposes on a yearly licence ; which licence, however, shall issue uninterruptedly (unless Parliament otherwise provides) for eight years from the 1st of January, 1863. The pastoral tenants have hitherto paid to the public treasury a quarter of a million a year in rent for their runs and assessment on their stock, the assessment being paid on the number of stock actually fed, as ascertained by sworn returns. And they have contributed to the national wealth a sum of nearly three millions a year ; two millions being the value of wool exported, and nearly one million the value of beef and mutton brought to market or killed for domestic use.\* Parliament was of opinion that their contributions to the national wealth and their contributions to the revenue may both be materially increased ; and the new law is framed to produce this result. The assessment on the stock actually fed is abolished, and each run will now be assessed on the number of stock *it is capable of carrying*. The necessary consequence will be, that the pastoral country will, as speedily as practicable, be stocked to its full grazing capability. Some of the runs are inordinately large, and this new arrangement will tend to their subdivision. Ten runs, on an average, have been annually subdivided of late years, but an increased assessment will quicken the operation in respect of all runs carrying more than twenty thousand sheep. The present distribution of the pastoral holdings will be seen from the subjoined table, which it must be remembered, however, includes the runs within the ten millions of acres :—

No. of Runs.	Number of Sheep assessed in 1861.	
71	Under 500 sheep.	
179	Over	500 and less than 2,000 sheep.
227	" 2,000	" 5,000 "
267	" 5,000	" 10,000 "
141	" 10,000	" 15,000 "
76	" 15,000	" 20,000 "
82	" 20,000	" 25,000 "
19	" 25,000	" 30,000 "
12	" 30,000	" 40,000 "
4	" 40,000	" 50,000 "
1	" 50,000	—
1,029	When the runs are stocked with cattle, the equivalent number of sheep has been stated.	

All the runs will, in the course of the present year, be valued anew by the Board of Land and Works ; and each one be subjected to a rent estimated at

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\* Value of Mutton and Beef brought to market in all parts of Victoria in 1861, about ... £824,400  
 Killed for private use { Cattle to the value of ... .. 51,339  
                                   { Sheep to the value of ... .. 78,068  
£953,807

the rate of 8d. for every sheep, and 2s. for every head of cattle it is capable of carrying. But in no case must a run be estimated as being capable of carrying a less quantity of stock than was depastured on it in the year 1861, unless a portion of it has been since sold or leased or proclaimed a common, or otherwise withdrawn from the licensee. The mode of valuation contemplated by the Act is, that the runs in each pastoral district shall be divided into four classes; ranging from fourth up to first, in proportion to the number of sheep to the hundred acres, a run is capable of feeding. When the valuation of a district is completed, the Board will insert in the *Government Gazette* a schedule of the rents determined upon, which will be binding on the pastoral tenant in each case, unless he gives notice within two months of his intention to appeal. If he appeals, he must lodge £50 towards the satisfaction of costs in case he fails to obtain a reduction of rent beyond one-tenth of the proposed amount. Minute directions are furnished for the appointment of three sworn arbitrators (one named by the Squatter, one by the Board, and one by the nearest County Court Judge), who are empowered to hear and determine the case. The question to be tried will, in almost every instance, be simply whether the run has been placed in the proper class; the proper class being a fact, in most cases, as exactly known in a squatting district as the relative value of a lead is known on a gold field. Thus the squatter is protected against an exorbitant rent, by the power of appeal. On the other hand, the State is protected against the possibility of the Board of Land and Works fixing too low a rent, by the power being reserved to increase it at any time within twelve months—at the instance of Parliament or otherwise.

As a set off for the increased assessment contemplated by the Act, the squatter receives the tenure already specified, and another concession long sought. When he proves to the satisfaction of the Board of Land and Works that the grazing capability of his run would be increased by making a substantial fence or permanent reservoir for water he will be authorized to make it; and if the land on which it is situated shall be sold, proclaimed a reserve or common, or be leased under the Act, he will be entitled to receive a portion of the fair cost of making such fence or reservoir, deducting one-tenth of the cost for every year he has enjoyed it before it is taken away. In ten years the improvement will become the property of the State, and, in the case of the reservoirs, will tend essentially to prepare the country for population. But no licensee of a run situated in the ten millions of acres will be entitled to the benefit of this provision.

The first gainers by the arrangement will be the industrious classes. It has been estimated that the sum spent on labour under it will amount to £100,000 a year for several years to come. Nearly one-half of the runs are insufficiently watered, and, consequently, insufficiently stocked, during the summer months; and immediate efforts will certainly be made to supply this deficiency. It is probable that dams, wells, or reservoirs will be constructed on four hundred runs in all, at an average expenditure of £150 each. Though the interior is so ill supplied with permanent water at present, the rain-fall is greater than in many European countries, and the eye of the intelligent

traveller is constantly attracted by natural basins and water-courses, where, by a moderate expenditure, lakes and reservoirs might be made.

Fencing is only of permanent or public value because it will immensely increase the grazing capability of the public lands. The quantity of stock will be doubled, and in the end probably quadrupled, by exterior fencing and the partial division of runs into paddocks. An average of twenty miles of fencing erected on one-half the runs outside the ten millions, at an average cost of £50 a mile, would make an important addition to the labour fund for the next four or five years.

Another source of employment springing from this division of the Act is "ringing" trees—that is, killing trees by stripping the bark in a narrow ring round the trunk. Though it is not one of the "improvements" recognised by the Act, the new tenure will probably encourage squatters to undertake it, on runs (of which there are many) smothered with timber, which starves the grasses by obstructing the sun's light and consuming the nutritive property of the soil. It is alleged that several hundred persons will find profitable employment on this work; and open the way for further employment—for with better grasses and more sheep necessarily come more shepherds in the field, more draymen on the road, and more agricultural labourers to supply their wants.

When it is remembered that the rent derived from the public lands will be spent on immigration and in permanent public improvements, it will be seen, I think, that this division of the new law, like those previously described, aims to develop the resources and encourage the industry of the country.

### New Runs.

In the table showing the present disposal of the Colony, cited above, thirteen millions and a-half of acres are described as unstocked or unoccupied waste lands. The seven millions of unstocked country were almost all let on licence in 1860 and 1861; the remainder has never been let; but under the new law may be exposed to auction in runs capable of carrying all the year round not more than 5,000 sheep or 1,250 head of cattle. The mode provided for disposing of these new runs is, that the Board shall value them and fix the rent accordingly, and then submit them to public auction; the person who bids the highest *premium*, in addition to the rent, in each case being entitled to receive the licence. To encourage hardy adventurers to undertake this unoccupied country, the licence may continue for any "period not exceeding fourteen years, and the tenant is protected against losing his run by sale, not more than one-fourth of it being liable to be sold during the currency of the licence. He is also secured the right of purchasing 320 acres, containing his improvements at the rate of £1 an acre; or if this privilege be not conceded to him (in case of the land proving auriferous, for example) he shall be entitled to compensation for his buildings, yards, and similar improvements, not, however, in any case to exceed £500.

It is provided also that the holder of a licence for any portion of the seven millions of acres of unstocked country, may have the advantage of these

liberal terms by surrendering his present licence within twelve months and accepting a new one, at a rent fixed by the Board, for so much of his run as will carry 5,000 sheep, or their equivalent in cattle, all the year round. Many of the licensees of '60 and '61 will avail themselves of this privilege, and the result will be to throw open to competition a considerable portion of land which they must relinquish, in order to reduce their present large runs to the extent contemplated by the Act.

This unoccupied country opens up so wide a field for pastoral enterprise by new men of small capital, that it becomes a question of the highest importance to ascertain the character and value of that portion of the territory. The fact of its being unstocked suggests the probability that it was not worth occupying; but it is certain that those who have obtained licences set a considerable value upon them, and that many others are anxious to participate in the advantage. The land lies chiefly in Gipps Land and the Wimmera district, but partially elsewhere. An official report in relation to the bulk of it lying in these districts estimates the ultimate value highly.

"That portion of the waste land which lies in the east is at present rendered unavailable and useless by the density of the timber and scrub, but is most abundantly supplied with water, and favoured by a climate eminently adapted to the growth of grasses. It requires the destruction of the scrub and much of the timber to render it capable of feeding stock. The soil is the same as in many other parts of the country, which, from having the scrub and trees removed by natural or artificial means, is now producing an abundance of pasture.

"The north-western portion is mostly covered by a dense scrub, has no permanent water on its surface, and requires for its development the sinking of wells, the construction of dams and tanks, and the destruction of the scrub. By these means much of it may be rendered a very healthy district for sheep."

As regards Gipps Land I may also quote an extract from a report furnished by a gentleman long resident there, and experienced on the subject—

"The waste lands in this district comprise a large extent of country covered with healthy scrub, with a little grass scattered among the heath. Some portions of this country are occupied by wild cattle, the progeny of stock which, from the difficulty of collecting and attending to them, became wild. The habits of cattle render them unsuited for the improvement of such country, inasmuch as they wander widely over the land, and do not by close feeding destroy the scrub as sheep do. I contemplate, therefore, the eventual occupation of such country by sheep, but even this could not be accomplished without the destruction of the scrub by burning, and afterwards sowing artificial grasses. There must, therefore, necessarily be a period at the commencement of such an undertaking when the occupation would be altogether unprofitable. No one, therefore, would enter upon it unless there were time allowed for the occupant to reap a return for his outlay. But I know persons who are disposed, under favourable conditions, to venture upon such undertakings.

"As an illustration of the improvement that may be effected in the way I have described, I may adduce the results of Mr. McHaffie's occupation of Phillip Island, which was formerly covered with dense scrub, and in that state valueless, but now affords grazing for thirty thousand sheep, and according to some authorities would sell for more than the average price of Crown lands. Large portions of similar country are also included in the boundaries of several runs in Gipps Land, and I apprehend when a settler has to pay rent for land which he cannot now obtain any return from, he will be glad to avail himself of the power provided in the Land Bill of subdividing his run and giving up the occupation of such portions, which might then be let upon lease in the same way as is provided for land hitherto unoccupied."

It is said Alpacas, and the same tribe generally, would thrive on some of

the poorest and wildest of this country. And I believe at least one projector will try a flock of the ordinary goats bred in the colony ; trusting to be well paid by the hides, and the fat obtained by boiling down.

Several hundred runs selected from this country will be submitted to auction before the close of the present year ; on each of which, I believe, an industrious man may find the beginning of sure prosperity.

In addition to the powers which I have already described, the Act contains provisions on various minor subjects. The right of granting land for public purposes is preserved and extended ; the Governor is authorized to withdraw any land from sale, and to prohibit the felling of timber in particular places ; the privilege of travellers, holders of miners' rights, and prospectors for gold, to depasture their cattle on Crown lands, is saved ; the licences for runs are declared to be forfeited by non-payment of rent ; the power to enforce forfeitures and penalties incurred under the Nicholson Land Sales' Act is preserved ; and it is provided that no occupier of land for pastoral purposes shall be entitled to any compensation by reason of the Land Act being hereafter repealed or altered. And finally, the Act itself is to continue in force only to the 31st of December, 1870, except for the purpose of fulfilling engagements or prosecuting civil or criminal proceedings commenced under it.

With respect to carrying this law into effect, it only remains to be said that the hundred and fifty Agricultural Areas, comprising four millions of acres, will be thrown open for selection in successive batches, during August and September next. Their exact position may be seen on the maps of which I have already spoken ; but proclamations containing minute information in relation to each area, will begin to issue before the close of the present month of July. The intending settler ought to see the land for himself before selecting ; and if he be a recent immigrant he ought, perhaps, in most cases, to select only after he has obtained some experience by working for a time on a farm. The proper district in which to make his selection will depend mainly upon the nature of the industry he has in view. If he proposes to himself to cultivate grain crops, he will seek the open basaltic plains, free of stones ; and practical experience affirms that land wooded with "lightwood," or "blackwood," and "red gum," indicates suitable soil. If green crops for dairy cattle and swine, he will find what he seeks in the Wannon country, and in the elevated and moist district extending some miles on each side of the main dividing range, in the alluvial soil of the Upper Yarra, and the lime stone districts of Gipps Land. For maize, the low densely wooded jungles in the eastern portion of Gipps Land (where the cabbage palm begins to appear), have been pronounced eminently suitable ; and for the dwarf species, called Cobbett's corn, Villiers, Mornington, Normanby, and the alluvial lands of the Upper Murray. Wine making ought to be tried wherever the grape will ripen ; the subtle conjunction of soil and climate on which the special qualities of good wine depend, being capable of being ascertained only by experiment ; although the predominating rocks and soils of Victoria correspond with those which in other parts of the globe have produced the most renowned vineyards. And wherever black or chocolate soil, resting on



a strong subsoil, such as prevails round Kilmore, Kyneton, Ballaarat, or Tower Hill, can still be discovered, whatever class of agricultural industry the selector meditates, he may safely settle upon it; and in several of the areas (some of them lying in a position where the markets of Melbourne or Ballaarat are tolerably accessible) such soil may be found.

*Department of Public Lands,*

*July 6th, 1862.*

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# APPENDIX.

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## I.—SOILS AND CROPS.

HAVING consulted several skilful and experienced agriculturists with a view to obtain more accurate information than I possessed in relation to soils and crops in Victoria, I subjoin a few of the Queries and Answers, which I doubt not will prove useful to intending settlers. Where the same question is answered by several persons the answers are distinguished by numbers.

1. What description of soils in Victoria have you found to be the best adapted for the cultivation of cereal crops, and in what districts of the colony are such soils most frequently met with ?

*Answers.*—(1.) Black vegetable mould and alluvial soils. In Gipps Land, Western Port, the slope of the coast ranges, extending from Winchelsea, by Colac, towards Warrnambool ; the Warrnambool district generally ; and the Wannon. I may also add volcanic soils, where free of stones, such as in the neighbourhood of Mount Rouse.

(2.) Near Melbourne soils of this nature occur in the following portions of the Agricultural Areas, viz. :—Balnarring, near Western Port ; the highest slopes of the Corhanwarrabool Ranges ; and the ranges near the sources of Steele's Creek. The extent of this soil at Balnarring is not great, and the land is heavily timbered, but the great facility for transporting produce therefrom to Melbourne by shipment at Western Port or the Dromana Jetty, would more than counterbalance the cost of clearing the land: the more especially as much of the timber so cleared would be saleable.

2. If an intended settler proposed to himself, in connection with agriculture, to keep cattle and sheep upon the natural grasses, in what district would you advise his settlement ?

If he desired to direct his attention to the cultivation of artificial grasses and green crops for cattle, in connection with agriculture, in what district ?

*Answers.*—(1.) Any where south of the Grampians, if the farms were of sufficient area. Mixed husbandry of this kind is, in my opinion, the only system that can be profitably pursued in this or any other thinly peopled country, where, from the great distance from market, a large portion of the produce, too bulky to be transported, must be consumed by stock on the farm and put into the more exportable shape of wool and fat stock.

In answer to the second part of the question. Artificial grasses are most easily propagated near the sea-board, where the climate is moist, and could be raised in most of the districts referred to in answer to question 1.

(2.) The green crops produce well in alluvial and volcanic soils ; artificial grasses luxuriating especially in the moister soils, although of an inferior quality.

(3.) With reference to the first portion of the query, the Wannon district would be well suited for combined agricultural and pastoral pursuits. In the Ararat and Pleasant Creek districts, wherein numerous small isolated patches of good land occur in the midst of a wide extent of country available for pastoral purposes only, I think the combined pursuits in question might be advantageously carried on.

With reference to the second portion of the query, I may mention the richer lands in the parishes of Bungaree, Dean, Glenlyon, Redesdale, Newham, Baynton, North Springfield, &c. ; also the volcanic soils near Western Port, and the basaltic and calcareous soils in the Belfast and Gipps Land districts.

3. If the intending settler wishes to grow grain and root crops in connection with a dairy, and with the feeding of pork thereon, where would you advise him to settle ? And please to state if bacon from swine fed on roots and grain on a large scale promises to pay.

*Answers.*—(1.) Gipps Land, Western Port, or the Warrnambool district. I have no doubt if conducted on a large scale, under skilful management, it would be very remunerative.

(2.) The question of market must enter largely into the consideration of the first portion of this query. The feeding of swine in connection with a dairy establishment, conducted by a person with a family able to assist in the management thereof, and suitably situated as to market, would be likely to pay.

(3.) Great advantage is derived in rearing swine in Australia, if the farm be contiguous to a swamp, wherein the swine can obtain much food. In New South Wales I have seen at a station many hundreds of pigs kept in fair condition by being merely allowed to run in the swamps and brushes contiguous to the station, so that when the corn was harvested, a very few weeks confinement in styes, with a supply of farinaceous food and roots, sufficed to render them thoroughly fat. When running loose in the swamps they were easily kept in command by throwing down at nightfall, near the homestead, a few beet-roots or pumpkins, for which the pigs would hasten to scramble on the sound of a horn by the swine-herd.

4. Whether the cultivation of maize may be profitably carried out on a large scale, and if so, in what districts ?

*Answers.*—(1.) It may be profitably cultivated on warm rich soils (especially the volcanic), as green food for dairy stock, and for the production of bacon with the corn.

(2.) On the rich alluvial soils on the banks of rivers on the eastern coast of Australia crops of maize are annually produced, which, as regards quantity and quality, are not surpassed in any part of America ; consequently, maize is the staple crop of the small farmers located near these rivers. In Victoria there is very little soil similar to that found on the banks of these rivers, as the latter soils contains an unusually large proportion of those elements of fertility derived from vegetable decomposition, and is maintained in a state of exuberant richness, notwithstanding continual cropping with maize, in consequence of the fertilizing effects of periodical floods. The quick-growing dwarf variety of maize could be advantageously cultivated in rich deep soils in Mornington, Villiers, and the Upper Murray district.

6. What is the relative yield of beet-root in this country compared with England and France ?

*Answers.*—(1.) I am not aware, but have no doubt that, subject to equal management, we can produce any vegetable suited to a temperate climate in as great luxuriance and abundance as any country in the world.

(2.) Beet-root has not been grown to any great extent in this colony ; but, as far as the experience of the growth of this crop and mangold-wurzel has been observed, the produce is at least equal to that of the United Kingdom.

(3.) In New South Wales the yield of mangold-wurzel on alluvial soils is, in my opinion, greater than in Europe.

8. What extent of a farm would you recommend to an intending settler for the various kinds of cultivation ?

*Answer.*—The extent of a farm must be measured by the capital possessed by the intending settler. If without a working family, four pounds per acre will be sufficient ; if with a working family, from two to three pounds per acre, according to the number and strength of the members.

9. Does the cultivation of cereals in a dry country like South Australia furnish any valuable rules for the same pursuit in the north of this Colony ? If so, please state them.

*Answers.*—(1.) Have no information to show how the growth of cereals in South Australia pays the cultivator ; but have no hesitation in stating any attempt at their growth in the north of this Colony would prove a failure.

(2.) I think the condemnation of the northern portion of the Colony, in the answer shown to me, is too general. Wheat has been successfully cultivated in the north-eastern portion of the territory (in that portion of the Murray district above the junction of the Ovens). Much land on the latter river is adapted for the growth of cereals, and, with the aid of a cheap system of irrigation, much land on the Goulburn, the Campaspe, and even on some parts of the Loddon, might be made to produce fair crops.

11. What system of irrigation would you recommend for adoption by small farmers located near the banks of tributaries of the Murray River, or in the more arid portions of North Victoria ?

*Answers.*—(1.) The gravitation system.

(2.) I think that small farmers might derive useful hints relative to the economical irrigation of land in Victoria by consulting a small work published some years ago by T. and W. Boone, in London, relative to the modes of irrigating land in Egypt, Syria, South America, &c., and containing engravings and explanatory descriptions of water-raising wheels. The author was P. Cunningham, R.N.

(3.) I am not acquainted with the different systems of irrigation, but can state generally, and from observation, that under our climate it has marvellous effects ; and wherever there are facilities for carrying it out, it is the most powerfully fertilizing agent we can employ.

12. In some portions of Victoria there are some very rich marsh lands, whose levels are such as to admit of the drainage of such lands. Do you think

that, near centres of population, such lands could be advantageously made available for cultivation by the adoption of an economical system of drainage?

*Answers.*—(1.) Decidedly, if conducted economically.

(2.) Some reedy swamps were successfully reclaimed some years ago on the Hunter River, in New South Wales.

(3.) Whenever land can be drained it will well repay the outlay. Many such marshes as those referred to offer, when drained, great facilities for covering them with artificial grasses with a very small amount of labour.

## II.—NOTES ON THE GEOLOGICAL CHARACTER OF THE SOIL OF VICTORIA.

BY THE GOVERNMENT GEOLOGIST.

THE rocks from which the soils of Victoria are derived, with their geological age, the approximate area occupied by each, the general character of the soil found on them, the physical aspect of the country, and the principal localities or districts in which they occur, are given in the tabulated statement annexed.

As in most other countries, so in Victoria, very striking contrasts occur, even within the most limited areas, in the character and consequent fertility of the soil. These sudden changes, though chiefly dependent on, and co-incident with, the limits of different geological formations, are also frequently much modified, and occasionally quite changed, by local circumstances of position, such as aspect, height above the sea, and other varying physical conditions.

Thus, the poor soils are sometimes met with in the volcanic districts, and their relative fertility is exceedingly variable, owing to differences in the chemical constituents of the rock from which they are derived; yet, as a rule, it may be stated, that the richest and most productive, as well as the largest extent of uniformly fertile soil, is to be found in the districts chiefly occupied by rocks of volcanic origin, which, with the exception of certain limited areas, indicated on the published geological maps of the Colony, are confined to the country lying westward of the meridian of Melbourne, and south of the coast range.

As this will probably be the district in which the majority of intending settlers will seek to establish their future homesteads, it should be observed, that though for the most part consisting of fine agricultural land, there are belts and patches of land in all parts of it where the soil is so intermixed with the volcanic rock as to render it quite useless for cultivation. These rocky belts are so local, that not unfrequently one section presents a fine deep soil, whilst another immediately adjoining would be an almost solid layer of rock.

The alluvial soils, which are frequently very little, if at all, inferior to those of volcanic origin, are to be found more or less in all parts of Victoria, and constitute the best agricultural land of the northern districts, in which very few, if any, rocks of volcanic origin are to be found.

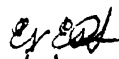
The soils derived from the clay, slate, and sandstone of the palæozoic series are almost uniformly poor and shallow. Their want of fertility may, in a great measure, be accounted for by the remarkable absence of calcareous matter and other fertilizing salts in these older rocks in Victoria, and their generally purely silicious and aluminous character. Except on the alluvial flats of the rivers traversing them, these districts offer no inducement for the agriculturist.

The mesozoic or carbonaceous soils are also exceedingly fertile. Large areas of this kind of soil occur in various parts of the country, especially in the valleys of the Wannon and Glenelg and their tributaries, where the fine open and undulating character of the country renders it peculiarly fit for agricultural settlement. Over large portions of the counties of Grenville, Polwarth, and Heytesbury, and also to the eastward of Western Port, similar soils are to be found; but in these districts the country is for the most part covered with dense forest. The soil of the Barrabool Hills, near Geelong, is also chiefly derived from the same formation.

Rock formation and Geological Age.	Approximate Area in Square Miles and Acres.		General Character of Soil.	Physical Aspect of Country.	Locality.
1. Clay, sand, lime, gravel, tertiary, and superficial deposits, including alluvial	36,000	...	Rich light loam on alluvial flats, and also where mixed with lime, sea-shells, and vegetable matter  The greater portion cold sandy clays and poor sandy loams	Terraced flats along river valleys, open or lightly timbered with red-gum, blackwood, &c.  Extensive level plains, with patches, &c., belts of stunted timber, or flat forest country, thinly grassed. Undulating generally sandy country, clothed with heath, grass, tree, and scrub	Generally distributed in narrow belts near the coast.  Chiefly in the North - Western and South - Eastern districts
2. Clay, slate, schiste and sandstone. Palaeozoic (upper and lower Silurian)	28,000	...	The greater portion cold sandy clays and poor light sandy loam	Hilly and undulating country, timbered with stringybark and iron-bark	Generally throughout the Central, Northern, North-Eastern, & South-Eastern portions of the country.
3. Volcanic (lava, basalt, ash, &c.) Tertiary	12,000	...	Rich black and chocolate colored soils; very fertile	Open slightly undulating plains, with isolated rounded hills, generally lightly timbered, often stony	South-Western and Central Districts.
4. Granite ...	8,000	...	Light and sandy	Openly timbered, undulating and hilly country, generally well grassed; also densely timbered mountain ranges, extending to 4,000 feet above the sea	In limited patches throughout the country, except the South-Western and North-Western Districts.
5. Shales and soft sandstone, Mesozoic (Carbonaceous)	3,000	...	Rich sandy loams	Open well-grassed downs, and hilly country with dense forest	Barrabool Hills, portions of the counties of Normanby and Dundas, also of South Grenville and Polwarth, and between Western Port Bay and Corner Inlet.

4th July, 1862.

ALFRED R. C. SELWYN.

  
 7/2/62

